

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-6, drawn to a product; and

Group II: Claims 7-10, drawn to a process.

Applicants provisionally elect with traverse Group I, Claims 1-6, drawn to a product.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. §830). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusions that the claims of the restricted groups are patentably distinct. Restriction between a chemical product and a process for its production is proper when the product can be produced by another method. Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing sufficient reason and/or examples to support any conclusions in regard to patentable distinctness.

The claims of Group I and II are integrally linked. Final product and method of making said product are interdependent and should be examined together on the merits. Different classification of subject matter to be divided is not conclusive proof of independent status and divisibility.

Claims 7-10, Group II are directed to an invention for making the product, Claims 1-6, of Group I. Accordingly, the claims in each Group are considered related inventions under 37 C.F.R. 1.475(b) and unity of inventions between the Groups exists.

Applicants respectfully traverse on the additional grounds that the Office has not proven that a burden exists in searching the entire application.

Further M.P.E.P. §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct and independent inventions.”

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

If the invention of Group I (Claims 1-6) is found allowable, withdrawn method claims which depend from or otherwise include all the limitations of the allowable claims shall be rejoined (M.P.E.P. §821.04).

Applicants submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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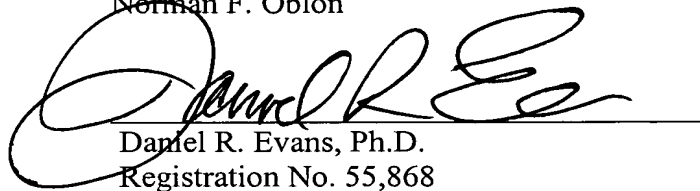
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